

July 1, 2004

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California Environmental Protection Agency
Environmental Justice Program
Sacramento, CA

VIA EMAIL

Comments of the California Rural Legal Assistance Foundation (CRLAF) Pesticide and Work Safety Project on the Draft Environmental Justice Action Plan for 2004 -2006

Dear Ms. Doduc and Ms. Hall:

Thank you for hosting an informative workshop and providing this opportunity to comment on this draft plan. Please note that our project has signed on to comments submitted by the Center on Race, Poverty and the Environment. I am providing these additional brief comments which address specific ideas and environmental justice concerns about agency pesticide policy which I hope the plan can address. The California Rural Legal Assistance Foundation (CRLAF) is a non-profit statewide organization working to improve the lives of farm workers and other low income rural Californians through advocacy and education. CRLAF project areas include citizenship, pesticides and work safety, labor rights and housing.

Priority 1 – Provide Guidance on Cal/EPA Precautionary Applications

Action c: We strongly support proposed action c because greater emphasis on approaches to prevent or minimize environmental impacts is urgently needed. Targeted goals for reduction in use of high toxicity, high impact pesticides through increased use of feasible pest control alternatives should be one area of focus because of the rise of pesticide use in 2002 and toxic air contamination, smog, and water quality problems caused by pesticides. Existing laws and regulations require county agricultural commissioners to evaluate environmental impacts before issuing agricultural pesticide use permits and to consider feasible alternatives or mitigation measures to substantially reduce impacts identified. The vast majority of pesticide use permits appear to be approved without consideration of feasible alternatives and many of the pest control advisors who make recommendations for pesticide applications are employed by companies which sell pesticides.

Action d: We support the concept of reviewing current risk assessment protocols and practices for consideration of environmental justice. The agency should consider centralizing all risk assessments in the Office of Environmental Health Hazard Assessment because the Office has the greatest expertise in risk assessment and can focus on public health and environmental justice consideration since it is not involved in chemical or facility licensing or registration. In our opinion current Department of Pesticide Regulation risk assessments fall short of adequate precaution and environmental

justice consideration. For example, DPR has relied on the equivocal results of a new methyl bromide toxicology study to relax the target sub-chronic air concentration levels to 9 ppb for children and 16 ppb for adults. In contrast, OEHHA scientists do not believe this new study should be relied upon to deviate from the previously set sub-chronic methyl bromide reference levels of 1 ppb and 2 ppb. In addition, pesticide risk assessments typically assume that farm workers' pesticide exposures stop at the end of a work-shift, rather than adjusting for prolonged exposure due to lack of daily access to bathing facilities and clean clothes and prolonged exposure during transit long distances to and from fields. Combined or cumulative exposures to multiple pesticides at work and at home from pesticide drift are not accounted for, a particular problem for farm workers and other members of environmental justice communities are more likely than the general public to have these combined and prolonged exposures.

Priority 2 – CHIRP Pilot Projects and Development of Guidance on Cumulative Impacts Analysis

Action e: We recommend that one of the pilot projects be located in a rural community of the central valley with multiple air and water contamination impacts from ambient air quality, high local use of pesticides, particularly fumigants, water contamination and possibly nearby poultry or dairy facilities or waste disposal facilities.

There is a built in negative bias in assessing baseline conditions and health impacts in environmental justice communities due to chronic restricted access to health care and other social services and underreporting of pesticide illness, particularly in communities with many residents of undocumented immigration status. This needs to be acknowledged and adjusted for in assessing baselines and health impacts.

Priority 3 – Improve Tools for Public Participation, Community Capacity Building, Communication

This Priority should be expanded to include improved language access to the enforcement services provided by Agency departments and Boards and their local counterparts and improvements in cultural sensitivity of field inspectors and other enforcement personnel. A concrete goal for increasing the diversity and multilingual capacity of enforcement personnel is needed.

Action c- An agency wide translation contract needs to include multiple languages including multiple Indigenous dialects of Mexico as more and more immigrants come to California from Mexico with very limited knowledge of Spanish, let alone English.

Action f- Improving the EJ Web Page should include providing multilingual materials at appropriate literacy levels. In addition, audio materials, including PSAs and audio tapes are needed particularly in indigenous Mexican and South American languages which are not written and possibly also some Southeast Asian languages. These materials should be accessible via the website and also distributed at community meetings, ESL classes and through other channels because many members of environmental justice communities have limited or no access to the internet

Thank you again for this opportunity to comment. Please feel free to contact me at (916) 446-7904 x 19 if you have any questions.

Sincerely,

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